

1 62. (once amended) A herbicide-resistant rice plant, wherein:

2 (a) the growth of said herbicide-resistant plant is resistant to inhibition by at least one
3 herbicide that normally inhibits acetohydroxyacid synthase, at levels of the herbicide that
4 would normally inhibit the growth of a rice plant; and

5 (b) said herbicide-resistant plant is a derivative of a rice plant obtained by exposing rice
6 plants to mutation-inducing conditions; growing rice plants from the exposed plants, or
7 growing rice plants from progeny of the exposed plants, in the presence of at least one
8 herbicide that normally inhibits acetohydroxyacid synthase, at levels of the herbicide that
9 would normally inhibit the growth of a rice plant; and selecting for further propagation rice
10 plants that grow without significant injury in the presence of the herbicide; and

11 (c) said herbicide-resistant plant expresses a functional acetohydroxyacid synthase that is
12 resistant to inhibition by at least one herbicide that normally inhibits acetohydroxyacid
13 synthase, at levels of the herbicide that would normally inhibit the growth of a rice plant;

14 *provided that excluded from the scope of this Claim is:*

15 (d) a plant that is the plant with ATCC accession number 97523; and any mutant,
16 recombinant, or genetically engineered derivative of the plant with ATCC accession number
17 97523 or of any progeny of the plant with ATCC accession number 97523; and any plant
18 that is the progeny of any of these plants; wherein these derivatives of the plant with ATCC
19 accession number 97523 that are excluded from the scope of this Claim are those that have
20 the same herbicide resistance characteristics as the plant with ATCC accession number
21 97523.

1 71. (once amended) A process for imparting herbicide resistance to rice plants, said process
2 comprising the steps of:

3 (a) exposing rice plants to mutation-inducing conditions;

4 (b) growing rice plants from the exposed plants, or growing rice plants from progeny of the
5 exposed plants, in the presence of at least one herbicide that normally inhibits
6 acetohydroxyacid synthase, at levels of the herbicide that would normally inhibit the growth
7 of a rice plant; and

8 (c) selecting for further propagation one or more rice plants that grow without significant
9 injury in the presence of the herbicide; wherein the plants selected for further propagation
10 express a functional acetohydroxyacid synthase that is resistant to inhibition by at least one
11 herbicide that normally inhibits acetohydroxyacid synthase, at levels of the herbicide that
12 would normally inhibit the growth of a rice plant; *and provided that* the rice plant or plants
13 selected for further propagation do not have the herbicide resistance characteristics of the
14 plant with ATCC accession number 97523.

REMARKS

The specification has been amended at page 1 to reflect the procedural history of the priority applications.

The specification has been amended at page 11 to substitute actual American Type Culture Collection accession numbers for several deposited lines of rice seeds, e.g. --PTA-904--, for "placeholders" that were used in the application as filed e.g., "aaaaa". Seed samples from each of the rice lines in question were deposited with the American Type Culture Collection on November